

Village of Croton-on-Hudson  
Zoning Board of Appeals Meeting of  
September 9, 2015

PRESENT: Rhoda Stephens, Acting Chair  
Alan Macdonald  
Doug Olcott  
Christine Wagner

ABSENT: Joe Sperber, Assistant Building Inspector  
Village Board Liaison

**1. CALL TO ORDER:**

The Zoning Board of Appeals Meeting of September 9, 2015 was called to order at 8:00 P.M.

**2. NEW BUSINESS:**

- a) **Church, Kenneth – 114 Upper North Highland Place.** Located in a RA-40 District and designated on the Tax Maps of the Village as Section 68.13 Block 1 Lot 23. Request for side yard variance for existing two-level rear deck.

The application was presented by Mr. Church's Architect, John Power. Mr. Power explained that the existing deck had been built about a decade ago, before Mr. Church took ownership of the property. An application for a building permit for the deck had never been submitted and an appeal for a variance had never been made. As a result a certificate of occupancy had never been issued for the deck. Mr. Power said Mr. Church was unaware of the issues surrounding the deck when he purchased the property and is now dealing with the issues because he is trying to sell the property.

Acting Chairman Stephens commented that the property was an existing small lot. She then asked how much of a variance was being sought and Mr. Power replied that after having spoken to the Village Engineer about the matter, it was determined that a 7.8-foot side yard variance was needed. Mr. Power added that the plot plan submitted with the ZBA application had been drawn by Architect Gary Yates and that he, Mr. Power, would be submitting a complete set of documents along with the building permit application.

A discussion followed as to whether the variance request should be greater to include the deck steps which project further into the side yard. The Board concluded that if the variance were to be granted it would be subject to the Village Engineer's interpretation of the setback requirement.

Mr. Macdonald felt it would be difficult to grant the variance without seeing more detailed drawings regarding the engineering of the deck, but Mr. Olcott said the variance is needed before the building permit can be issued. Mr. Power echoed Mr. Olcott's

statement, saying he needed to apply for the variance first, independent of the engineering. Mr. Macdonald followed up with a comment that the variance being sought is substantial.

Acting Chairman Stephens remarked that the area where the deck is located would not be useable unless built upon because there are rocks underneath it.

Mr. Power said that the deck was structurally sound as far as he knew but that one item needed rectifying and that is the awning. He is recommending that it be removed. Mr. Church concurred, adding that the potential buyers also wanted the awning taken down. Mr. Macdonald then asked if all the framing had been looked at and Mr. Power replied that the deck construction was quite robust and appears to have been built in three phases; only one position needs a post. An inspection would need to be made by the Building Department before the certificate of occupancy could be issued.

Acting Chairman Stephens then opened the hearing to the public. With no one stepping forward the hearing was then closed. Acting Chairman Stephens then asked the Board members for their thoughts. Ms. Wagner said she had no objection and Mr. Olcott also said he had no objection but would make the granting of the variance subject to confirmation of the required variance by the Building Department. There was no one present from the Building Department at tonight's meeting to confirm the requested variance. Mr. Macdonald said he would have liked to see full building drawings/documents of the deck.

In response to Ms. Wagner's inquiry, Mr. Power said that he did not prepare the drawing that the Board was looking at tonight and that when he submits the building permit application, it will include his plot plan and his drawings with complete specifications.

Mr. Olcott then made a motion to grant the variance according to the Village Engineer's interpretation of the setback required, which will either be 7.8 feet from the corner of the deck or 14.3 feet from the corner of the deck stairs/landing of the existing rear deck. Ms. Wagner seconded the motion. The motion passed with a vote of 4 to 0 in favor.

### **3. APPROVAL OF MINUTES:**

Acting Chairman Stephens made a motion to approve the amended minutes and resolutions of the July 8, 2015 Zoning Board of Appeals meeting. The motion was seconded by Mr. Olcott. The motion passed 4 – 0 in favor.

Acting Chairman Stephens wanted it noted that no Village Liaison was present at tonight's meeting.

### **4. ADJOURNMENT:**

The meeting was adjourned at 8:55 P.M.

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Respectfully submitted,

Toni Cruz  
Secretary, Zoning Board of Appeals